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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,274	10/28/2005	Christian Sondergaard	502424.114105	7374
29540	7590	02/14/2008		
DAY PITNEY LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			EXAMINER SILBERMANN, JOANNE	
			ART UNIT 3611	PAPER NUMBER
			MAIL DATE 02/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,274

Applicant(s)

SONDERGAARD, CHRISTIAN

Examiner

Joanne Silbermann

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date 11/14/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. WO 93/04559.

3. Brown discloses an advertisement and a method for creating an advertisement that is promotional or commercial in nature and may be used at sporting events.

4. An image, which may be placed on a playing surface of a sports field, is viewed for a line of sight 14 (Figure 1). The image appears as though perpendicular to the line of sight, as in imaginary plane 16. The desired image is transformed (Figure 3) so that when viewed from the line of sight it appears normal. The image appears to have three dimensions, at least one of which is parallel to the lines on the surface (Figure 3) and which gives the image depth (page 1 line 17). The imaginary line of sight extends from a camera, 12. The method of generating the image may be done by a computer (page 5 line 19).

5. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gros, EP 0 810 780 A1.

6. Gros discloses an advertisement print (6, 7) comprising information positioned on a substantially plane surface of print carrier 1 (Figure 1) which is parallel to inclined

plane 2 having a first inclination (30 degrees) relative to the ground. The advertising print includes first and second three-dimensional elements 6 and 7. These elements are transformed into a perspective projection 18 (Figure 6) which is based upon a predetermined viewpoint (camera, 20). The surface used may be any flat surface in a sports arena. All three dimensions may be corrected, so as to provide depth (column 2 lines 14-15). The method for transforming the image may be done by computer (column 2 lines 35-36).

7. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomsen, WO 98/43231.
8. Thomsen discloses an advertising print on a plane carrier at a sports arena. The advertising print is optimized for a viewer at a predefined viewpoint, such as that of a television camera. The advertising print includes primary and secondary figurative elements (and possibly a tertiary element) for depicting three dimensions. The image on the print is transformed so as to appear correct when viewed from the predefined viewpoint (page 4 lines 22-28, Figure 1).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 7006707 and 6947610 and US Publication 2002/0176636 A1 are cited as showing similar transformed images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joanne Silberman
Primary Examiner
Art Unit 3611

/Joanne Silberman/
Primary Examiner, Art Unit 3611